UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,381	12/21/2001	Amr Yassin	US 010662	4887

24737 7590 01/05/2007		EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS		LESNIEWSKI, VICTOR D	
P.O. BOX 3001			
BRIARCLIFF MANOR, NY 10510		ART UNIT	PAPER NUMBER
		2152	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)
		10/028,381	YASSIN ET AL.
Office Action Summary		Examiner	Art Unit	
		Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 25 October 2006.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 and 17-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 and 17-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20061229

DETAILED ACTION

1.   The amendment filed 9/22/2006 has been placed of record in the file.

2.   Claims 1, 5, 13-15, and 20 have been amended.

3.   Claims 1-15 and 17-20 are now pending.

4.   The applicant's arguments with respect to claims 1-15 and 17-20 have been considered

but are moot in view of the following new grounds of rejection.

Continued Examination Under 37 CFR 1.114

5.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37

CFR 1.114. The applicant's submission filed on 10/25/2006 has been entered.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

8.   Claim 5 recites the limitation "the prepared needed data" in line 9. There is insufficient

antecedent basis for this limitation in the claim. Nowhere in claim 5 is there previous mention of

preparing needed data, making the scope of the claim unclear. For the purpose of applying prior

art, it will be assumed that claim 5 recites "the prepared data" in line 9.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimoto (U.S.

Patent Number 6,792,577).

11.   Kimoto has disclosed:

- <Claim 20>

    A system for using a format preferred for a device, the system comprising: a network that

    includes a data repository (figure 1; column 6, lines 40-48; and column 11, line 64

    through column 12, line 5); said device, connected to the network and having a data

    format preference (figure 5, item 18/68 and column 15, line 64 through column 16, line

    2); and a data packet containing a request for specific information, said data packet

    including said data format preference, wherein said data packet is prepared by the device

    and transmitted over the network to said data repository (column 15, lines 21-34 and

    column 16, lines 7-9), said network being configured for using said data format

    preference in preparing the specific information for transmission to said device, said data

format preference stored by said data repository (column 16, lines 29-41), wherein the specific information requested is electronic programming guide information (column 16, lines 60-63).

- <Claim 17>

The system of claim 20, wherein the data repository extracts the specific information of the request, formats the specific information in accordance with said data format preference, and transmits the specific information over the communication network to the device (column 16, lines 42-63).

- <Claim 18>

The system according to claim 20, wherein the data repository is an extensible Markup Language (XML) data repository, which includes an XML database in connection with an Extensible Stylesheet Language Transformation (XSLT) engine, and the request for specific information and the device format preference are in an Extensible Stylesheet Language (XSL) stylesheet (column 16, lines 7-31).

- <Claim 19>

The system according to claim 20, wherein the network is an In-Home Digital Network (IHDN) (figure 1).

Since all the limitations of the invention as set forth in claims 17-20 were disclosed by Kimoto, claims 17-20 are rejected.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto in

view of Zintel et al. (U.S. Patent Number 6,910,068), hereinafter referred to as Zintel.

14.   Kimoto disclosed a system for using style sheets which define the expression and form of

documents to be transmitted in which key data can be used to protect the style sheets. In an

analogous art, Zintel disclosed a system that uses an XML-based template language to describe

device characteristics of devices connected via universal plug and play.

15.   Concerning claims 1, 5, 6, and 14, Kimoto did not explicitly state sending the device

format preference upon connection to the network. However, automatically sending control

information upon a device's connection to a network was well known in the art as evidenced by

Zintel whose UPnP devices send format information to other devices in the network upon

connection to the network. It would have been obvious to one of ordinary skill in the art at the

time of the applicant's invention to modify the system of Kimoto by adding the ability to send

the device format preference upon connection to the network as provided by Zintel. Here the

combination satisfies the need for a device connectivity model without persistent device

configuration. See Zintel, column 2, lines 57-61. This rationale also applies to those dependent

claims utilizing the same combination.

16.   Thereby, the combination of Kimoto and Zintel discloses:

- <Claim 1>

  A method for utilizing a data format preference of a device, comprising: connecting a

  device to a network having a data repository (Kimoto, figure 1; column 6, lines 40-48;

  and column 11, line 64 through column 12, line 5); sending a device format preference to

  said data repository in response to said connecting at a time the device is initially

  connected to the network (Kimoto, column 15, lines 21-34 and column 16, lines 7-9, and

  Zintel, column 50, lines 23-34 and column 50, line 64 through column 51, line 9), the

  device format preference including format information for needed data (Kimoto, column

  16, lines 7-28); utilizing, at the network, the device format preference from the data

  repository in preparing data for transmission to said device (Kimoto, column 16, lines 29-

  41); and sending the prepared data to said device in the preferred data format (Kimoto,

  column 16, lines 42-63).

- <Claim 2>

  The method of claim 1, further comprising saving the device format preference in the

  data repository (Kimoto, column 16, lines 23-28).

- <Claim 3>

  The method of claim 1, wherein the device format preference is sent with a device

  identifier (Kimoto, column 16, lines 10-14).

- <Claim 4>

  The method of claim 1, wherein the device format preference is saved with a network

  address of the device to be used as a device identifier by the data repository (Zintel,

  column 3, lines 5-10).

- <Claim 5>

  A method for utilizing a data format preference of a device, comprising: connecting a

  device to a network having a data repository (Kimoto, figure 1; column 6, lines 40-48;

  and column 11, line 64 through column 12, line 5); sending a device format preference to

  said data repository when the device is connected to the network, the device format

  preference including format information for needed data (Kimoto, column 16, lines 7-

  28); utilizing, at the network, the device format preference from the data repository in

  preparing data for transmission to said device (Kimoto, column 16, lines 29-41); and

  sending the prepared needed data to said device (Kimoto, column 16, lines 42-63),

  wherein the device connected to the network sends the device format preference each

  time it is connected to the network (Zintel, column 50, lines 23-34 and column 50, line 64

  through column 51, line 9).

- <Claim 6>

  The method of claim 1, wherein the network is an automatic configuration network, so

  that any device connected thereto sends the device format preference upon initial

  connection to the network (Zintel, column 50, lines 23-34 and column 50, line 64 through

  column 51, line 9).

- <Claim 7>

  The method of claim 1, further comprising: sending a request for specific information by

  the device (Kimoto, column 16, lines 7-17); extracting, by the data repository from data

  storage, specific information (Kimoto, column 16, lines 35-41); retrieving the device

  format preference by the data repository using a device identifier (Kimoto, column 16,

lines 23-34); formatting the specific information according to the device format

preference (Kimoto, column 16, lines 42-47); and sending the specific information over

the network to the device from the data repository (Kimoto, column 16, lines 48-63).

- <Claim 8>

  The method according to claim 7, wherein the device is an electronic device, and the

  request for the specific information and device format preference are embodied as one or

  more data packets (Kimoto, figure 5, item 18/68 and column 15, lines 21-34).

- <Claim 9>

  The method according to claim 7, wherein the data repository is an extensible Markup

  Language (XML) data repository (Kimoto, column 16, lines 7-31).

- <Claim 10>

  The method according to claim 7 wherein the data repository includes an extensible

  Markup Language (XML) database in communication with an Extensible Stylesheet

  Language Transformation (XSLT) engine in communication with the network (Kimoto,

  column 16, lines 7-31).

- <Claim 11>

  The method according to claim 7, wherein the request for information is in an Extensible

  Stylesheet Language (XSL) stylesheet (Kimoto, column 16, lines 7-31).

- <Claim 12>

  The method according to claim 7, wherein the network is an In-Home Digital Network

  (IHDN) (Kimoto, figure 1).

- <Claim 13>

  The method according to claim7, wherein the device is any one of the group consisting

  of: a personal computer, personal digital assistant, television, video cassette recorder,

  personal video recorder, remote control, and audio system; and the specific information

  requested is electronic program guide information (Kimoto, figure 5, item 18/68 and

  column 16, lines 60-63).

- <Claim 14>

  A method for recognizing a preferred format of a device comprising: connecting the

  device to an In-Home Digital Network (IHDN) network that has an extensible Markup

  Language (XML) data repository (Kimoto, figure 1; column 6, lines 40-48; and column

  11, line 64 through column 12, line 5); sending, in response to said connecting at a time

  the device is initially connected to the network or, by the device connected to the network

  the device format preference each time said device is connected to the network (Kimoto,

  column 15, lines 21-34 and column 16, lines 7-9, and Zintel, column 50, lines 23-34 and

  column 50, line 64 through column 51, line 9), an Extensible Stylesheet Language (XSL)

  stylesheet request for excerpted electronic programming guide (EPG) information,

  including a device format preference from the device, over the IHDN network to an

  Extensible Stylesheet Language Transformation (XSLT) engine in communication with

  the XML data repository (Kimoto, column 16, lines 7-31); and utilizing, on the network,

  said device format preference from the XML data repository in preparing data for

  transmission to said device (Kimoto, column 16, lines 31-41); and transmitting data to

  said device in the preferred device format (Kimoto, column 16, lines 48-63).

- <Claim 15>

  The method of claim 14, wherein the step of utilizing comprises the steps of: extracting the requested excerpted EPG information by the XSLT engine from the XML data repository (Kimoto, column 16, lines 35-41); and formatting the excerpted EPG information in accordance with said device format preference (Kimoto, column 16, lines 42-47).

Since the combination of Kimoto and Zintel discloses all of the above limitations, claims 1-15 are rejected.

Conclusion

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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